



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,078	09/22/2003	Kazuma Goto	501152.20021	1248

7590

08/28/2006

Eugene LeDonne
Reed Smith, LLP
29th Floor
599 Lexington Avenue
New York, NY 10022

EXAMINER

FAISON GEE, VERONICA FAYE

ART UNIT	PAPER NUMBER
----------	--------------

1755

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,078

Applicant(s)

GOTO ET AL.

Examiner

Veronica Faison-Gee

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Momose (US Patent 6,695,900) in view of Momose (US Patent 6,749,675).

Momose '900 teaches an aqueous ink composition comprising at least a surface-modified pigment, an organic amine and water. The organic amine may have a formula set forth by formula A (abstract). The reference teaches that the R1 to R3 each independently represent a hydrogen, or alkyl or hydroxylalkyl chain having from 1 to 8 carbon atoms (abstract and col. 4 lines 31-67). Formula A may be present in the amount of 0.01 to 5 percent by weight (col. 5 lines 9-16). The composition may also comprise water-soluble organic solvents and moisture-retentive agent, which includes glycerol, glycols and pyrrolidones (col. 5 lines 46-55 and col. 6 lines 17-33). Surfactants are present in the composition in the amount of 0.001 to 5 percent by weight, which include anionic surfactants and nonionic surfactants such as acetylene glycol-based surfactant (col. 5 line 37-col. 6 line 15). The surface tension of the ink composition is

less than 40 mN/m (col. 7 lines 4-7). The reference further teaches that the components set forth were mixed at 25°C, stirred for 2 hours and then, filtered (col. 10 lines 48-52). Momose fails to teach anionic surfactant set forth in claim 1.

Momose '675 teach an aqueous ink composition at least colorant, water, and 0.005 to 10 percent by weight of at least one acetylene alcohol compound (abstract and col. 2 lines 5-22). The reference teach anionic surfactant of formula below



wherein R_{15} is represents a C_{1-15} alkyl group and M_2 may be an alkali metal (col. 2 lines 43-54). The reference further teaches that the formula above may be sodium polyoxyethylene oleyl ether sulfate, which may be used in a composition comprising a surface-modified pigment (Table 8).

Therefore it would have been obvious to one of ordinary skill in the art to use the anionic surfactant sodium polyoxyethylene oleyl ether sulfate as taught by Momose '675 in the ink composition of Momose '900, as Momose '900 broadly discloses anionic surfactants, because Momose '675 teaches that sodium polyoxyethylene oleyl ether sulfate may be used in combination with a nonionic surfactant and self-dispersing pigment that produces an ink composition similar to that taught by Momose '900.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Veronica Faison-Gee whose telephone number is 571-272-1366. The examiner can normally be reached on Monday-Thursday and alternate Fridays 8 am to 5 pm.

Art Unit: 1755

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

vfg
8-21-06


J. A. LORENGO
SUPERVISORY PATENT EXAMINER